IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3598 of 2007()

CRIME 184/07 OF PARASSALA POLICE STATION

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PETITIONER

CHRISPIN RAJ J.O. @ SANTHOSH,
JEES HOUSE (ARAPPURAVEEDU),
THAMARAVILA, KEEZHUKOLLA, AMARAVILA P.O,
THIRUVANANTHAPURAM.

BY ADV. SRI.LAL GEORGE

RESPONDENTS:

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1. STATION HOUSE OFFICER,
PARASSALA POLICE STATION,
NEYYATTINKARA, THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
OFFICE OF THE ADVOCATE GENERAL,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A.NO. 3598 OF 2007

Dated this the 19th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner is the accused in a road traffic accident offence. A crime was initially registered under Secs.279, 337 and 304-A of the IPC. In the course of investigation, the Section of offence has been altered and the allegation under Sec.304 of the IPC has been included. The learned counsel for the petitioner submits that the alteration of the Section is with the transparent intention of vexing and harassing the petitioner. There is absolutely no justification for such alteration of Section of the offence. On account of such alteration, the petitioner is not able to surrender before the learned Magistrate apprehending that his application for bail may not be considered favourably. It is, in these circumstances, prayed that directions under Sec.438 of the Cr.P.C. may be issued in favour of the petitioner.

2. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor was requested to explain the basis on which such alteration of Section has taken place and what materials are there to justify such alteration of the Section. The learned Public Prosecutor submits that, at the moment, except the apprehension raised by the wife of the deceased person that there may be some connection between her adversary in an earlier criminal prosecution and the driver of the present vehicle involved in the incident, there is no other material to justify such alteration of the Section. I am, in these circumstances, satisfied that the prayer for anticipatory bail is justified.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 26/6/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 27/6/07 and 28/6/07 and thereafter on all Mondays

between 10 a.m. and 12 noon for a period of three months. Thereafter, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 26/6/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 26/6/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge